

Exhibit G

**PLAINTIFF'S PROPOSED INSTRUCTION
REGARDING DEFINITION OF *ALFORD* PLEA**

Throughout this trial you will hear the attorneys and witnesses refer to an *Alford* plea. An *Alford* plea is a type of plea where a criminal defendant does not admit guilt but concedes that the prosecution's evidence is strong and most likely will result in a conviction. Because the criminal defendant does not admit guilt, the court must establish an entirely independent factual basis for the guilty plea, which substitutes for the defendant's admission of guilt, before the court can accept the plea.

Authority: *In re Spencer*, 152 Wash.App. 698, 700 n.1 (2009); *State v. D.T.M.*, 78 Wash.App. 216, 220 (1995); *State v. Zhao*, 157 Wash. 2d 188, 197-98 (2006) (quoting CrR 4.2(d)).

Defendants' objection: Defendants object to omitting that an *Alford* plea is a type of guilty plea on the ground that is misleading to suggest such a plea is not a form of a guilty plea. Defendants further object to plaintiff's omission of the last two phrases in Defendants' proposed instruction regarding the definition of an *Alford* plea because this instruction is misleading and incomplete without this additional language contained in reported court decisions cited by Defendants.

Plaintiff's response: this definition more accurately states the definition of an *Alford* plea than that proposed by Defendants. This definition makes it clear that an *Alford* plea is a guilty plea wherein the criminal defendant does not admit guilt, and more closely follows the Court of Appeals definition in *In re Spencer*, 152 Wash.App. 698, 700 n.1 (2009). Defendants' instruction incorrectly suggests that the sentencing court determines a criminal defendants' guilt, rather than accepting the plea upon the showing of an adequate factual basis. None of the cases cited by Defendants contain this language.